

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-13-10-RAW
)	
ANTHONY DEXTER WASHINGTON, II,)	
and MAURICE ELON EDWARDS,)	
)	
Defendants.)	

ORDER

Before the court is the motion of the defendant Washington to dismiss. The defendant's argument is that he has been in custody in Pittsburg County since July 18, 2012 and therefore the federal indictment filed January 16, 2013 and his federal arraignment on March 20, 2013 violate the time limits of the Speedy Trial Act.

Under the Act, an information or indictment must be filed within 30 days of the defendant's arrest in connection with such charges. The government argues in response to the motion that a state arrest does not trigger the Speedy Trial Act's clock, even if the arrest is for conduct that is the basis of a subsequent indictment for a federal offense. This court agrees. *See United States v. Occhipinti*, 998 F.2d 791, 796 n.4 (10th Cir.1993).

The trial must commence (subject to any excludable time) within 70 days from the date the information or indictment is filed, or from the date the defendant appears before an officer of the court in which the charge is pending, whichever is later. *See* 18 U.S.C. §3161(c)(1). At this time, no violation of the Speedy Trial Act has taken place.

It is the order of the court that the motion of the defendant to dismiss (#33) is hereby denied.

ORDERED THIS 8th DAY OF APRIL, 2013.

Dated this 8th day of April, 2013.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma